

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

FILED

2007 DEC 19 P 3:04

UNITED STATES OF AMERICA

E-FILING

V.

Hector HERNANDEZ-Ortiz

CRIMINAL COMPLAINT

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

07-70753 PVT

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, November 14, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM: _____

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

Dec. 19, 2007
Date

at

San Jose, California
City and State

Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Hector HERNANDEZ-Ortiz**A78181594**

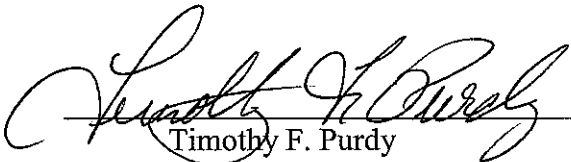
I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Hector HERNANDEZ-Ortiz, is a 32-year-old married male, citizen and native of Mexico, born on February 26, 1975, in Cuernavaca, Morelos, Mexico, substantiated by a sworn statement made to that effect by the DEFENDANT on September 19, 2001, to U.S. Border Patrol Agent Aaron Garcia of the Yuma, Arizona Border Patrol Station and statements the DEFENDANT made to that effect to Immigration Enforcement Agent (IEA) Andrew Tayaba, of the DRO/ICE Sub-Office in San Jose, CA, during an interview on September 14, 2007;
- (2) The DEFENDANT has been assigned Alien Registration number of A78181594, FBI number of 577855AB9, and California Criminal State ID Number of A11207860;
- (3) On December 15, 1995, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offense of ASSAULT W/DEADLY WEAPON OR ASSAULT LIKELY TO PRODUCE GBI, a felony, in violation of California Penal Code Section 245(A)(1) and sentenced to 138 days in jail;
- (4) On September 17, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. Immigration Court Eloy, AZ and ordered deported from the United States to Mexico;
- (5) On September 19, 2001, the DEFENDANT was convicted in the U. S. District Court/District of Arizona, for the offense of ILLEGAL REENTRY INTO THE UNITED STATES, a felony, in violation of U.S. Code, Title 8, Section 1325 and sentenced to ninety days in federal prison;
- (6) On December 14, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. Immigration Court Eloy, AZ and ordered deported from the United States to Mexico;

RE: Hector HERNANDEZ-Ortiz

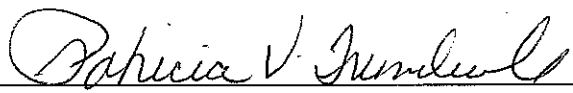
A78181594

- (7) On December 5, 2007, the DEFENDANT was convicted in the Superior Court of California/County of San Benito, for the offenses of: INFLICTING CORPORAL INJURY ON A SPOUSE/COHAB *and* THREATENING CRIME W/ INTENT TO TERRORIZE, felony violations, in accordance with California Penal Code Sections 273.5 *and* 422, for which the DEFENDANT was sentenced to sixty days in Jail;
- (8) On, September 14, 2007, the DEFENDANT was encountered by IEA Andrew Tayaba, at Monterey County Jail, and determined to be unlawfully present in the United States after a prior deportation. IEA Tayaba then advised the Defendant his Miranda rights in the English language;
- (9) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 19 day of December 2007



Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE